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GLENN PATENT GROUP 3475 EDISON WAY, SUITE L MENLO PARK, CA 94025			EXAMINER VAN DOREN, BETH	
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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No. 10/748,968	Applicant(s) TARR ET AL.	
	Examiner BETH VAN DOREN	Art Unit 3623	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 16 January 2008.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1,4-11,13-15,18-30,48,49,51,57,58,60,62,92,93 and 96-98 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1,4-11,13-15,18-30,48,49,51,57,58,60,62,92,93 and 96-98 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

1. The following is a Final Office Action in response to communications received 01/16/08. Claims 1, 4, 15, 19, 30, 92, and 96 have been amended. Claims 47 and 59 have been canceled. Claims 1, 4-11, 13-15, 18-30, 48-49, 51, 57-58, 60, 62, 92-93, and 96-98 are pending.

Response to Amendment

2. Applicant's amendments and cancellation of claim 59 are sufficient to overcome the 35 USC 112, second paragraph, rejections set forth in the previous office action.

Response to Arguments

3. Applicant's arguments with respect to the claims have been considered but are moot in view of the new ground(s) of rejection.

Claim Rejections - 35 USC § 112

4. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

5. Claim 60 is rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claim 60 recites "the method of claim 59". However, claim 59 has been canceled and therefore there is improper antecedent basis for claim 60. Correction is required. For examination purposes, examiner has construed claim 60 as being dependent on claim 30.

Claim Objections

6. Claims 19-29 are objected to because of the following informalities:

Claim 19 recites “report is constrained one or more constraints comprising at least one of” which appears to have a grammatical error. Claim 19 should more appropriately recite report is constrained by one or more constraints comprising at least one of. Correction is required.

Claims 20-29 depend from claim 19 and therefore are also objected to for the same reasons set forth above with respect to claim 19.

Claim Rejections - 35 USC § 102

7. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(a) the invention was known or used by others in this country, or patented or described in a printed publication in this or a foreign country, before the invention thereof by the applicant for a patent.

8. Claims 1, 4-10, 18-20, and 27-29 are rejected under 35 U.S.C. 102(a) as being anticipated by Rosenthal et al. (U.S. 2002/0133502).

As per claim 1, Rosenthal et al. teaches a computer implemented method for surveying a plurality of users with a sequence of questions that is automatically tailored per user, comprising the steps of:

creating for each of said users a corresponding user profile containing a tailored sequence of questions and corresponding answers (See paragraphs 22-3, 26-7, 33, 75, 95-102, 110, 114, wherein a user profile is created using reply data to a set of tailored and dynamically built questions, such as a set of initial questions);

associating said each user with at least one affinity group (See paragraphs 23-29, 33, 72, 75-6, 84, 113-5, 134-5, wherein the user profile is associated with sets of questions that are like or are correlated with the questions and answers in the participant's profile. The user's profile is associated with the subsequent question sets based on like profile parameters. Rosenthal et al. discloses matched population groups in paragraphs 128 and 134-5);

presenting each user with a sequence of questions from a source containing a plurality of different questions, said sequence of questions and order of each question in said sequence of questions being independently, asynchronously, and dynamically tailored for each and every user on an individual basis determined responsive to both an answer received from each individual user to a question previously presented to said individual user and a particular affinity to which a profile of said individual user is associated (See paragraphs 23-29, 33, 72, 75-6, 84, 113-5, 134-5, wherein sets of questions are fed to the user based on the user's profile parameters, but the questions within that set are branched and orders dynamically based on the user's answers to the set of questions);

storing said user profile of said each user (See figure 4, paragraphs 75, 65-102).

Further, as for the limitation "if an association between a user profile and said at least one affinity group does not exist, then creating at least one new affinity group for said user profile, each affinity group containing at least one user profile", Rosenthal et al. teaches the situation where the affinity group does exist. As currently recited, this limitation is recited in the alternative and thus does not occur in cases where the methodology does have appropriate existing affinity groups.

As per claim 4, Rosenthal et al. teaches wherein said at least one particular subsequent question from said sequence collection of questions is presented because of popularity of said subsequent questions within said particular affinity group (See paragraphs 23-29, 33, 72, 75-6, 84, 113-5, 134-5, wherein sets of questions are fed to the user based on the user's profile parameters. Rosenthal et al. discloses matched population groups in paragraphs 128 and 134-5).

As per claim 5, Rosenthal et al. teaches wherein at least one question is capable of receiving an answer from said user that comprises an open text (See paragraphs 81-4 and 111).

As per claim 6, Rosenthal et al. teaches wherein said open text allows said user to add a new answer value for said question (See paragraph 134, wherein participant replies are captured and added to the answers database, and then used for future day to day operations).

As per claim 7, Rosenthal et al. teaches wherein said new answer is used as one of a plurality of possible answers to said question when said question is subsequently posed to a second user (See paragraph 134, wherein participant replies are captured and added to the answers database, and then used for future day to day operations).

As per claim 8, Rosenthal et al. teaches wherein a question comprises at least two possible answers (See paragraph 81, table 2, and figure 3a, wherein there are at least two inputs allowed for a question).

As per claims 9, Rosenthal et al. does not expressly disclose and Williams et al. teaches wherein said user may select more than one answer to said question (See column 2, line 50-column 3, line 10, column 6, lines 50-65, column 7, lines 5-30, wherein the user may enter multiple skills/qualification or multiple locations, etc.).

As per claim 10, Rosenthal et al. teaches wherein the at least two possible answers are presented because of popularity of an answer within said particular affinity group or combination of said affinity groups (See paragraph 134, wherein answers are captured in an answer database and reused).

As per claim 18, Rosenthal et al. teaches providing a report (See paragraphs 30, 134-5, which discloses providing a report).

As per claim 19, Rosenthal et al. teaches wherein generation of said report is constrained one or more constraints comprising at least one of: an attribute of said user profile; and a reporting goal (See figures 7a-b and paragraphs 134-5, wherein the report has a reporting goal).

As per claim 20, Rosenthal et al. teaches wherein said goal comprises at least one of a profile attribute value or a range of profile attribute values (See figures 7a-b, paragraphs 134-5).

As per claim 27, Rosenthal et al. teaches wherein said goal is any of a personal goal, wherein said personal goal is a result of a plurality of user inputs pertaining to personal aspirations; and an external goal, wherein said external goal is a result of a plurality of arbitrary inputs (See figures 7a-b and paragraphs 20, 30, 134-5, wherein the report has a reporting goal that provides information particularly interesting to the participant or about the participant).

As per claim 28, Rosenthal et al. teaches wherein said aggregated information comprises statistical information (See paragraphs 134-5, wherein the report has statistical information).

As per claim 29, Rosenthal et al. teaches wherein a report resulting from a personal goal comprises a comparison of a user having said user profile to at least one of a plurality of user profiles; and an affinity group (See figures 7a-b and paragraphs 20, 30, 134-5, wherein the

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report has a reporting goal that provides information particularly interesting to the participant or about the participant. See also paragraphs 134-5, which discloses matched populations based on answer databases).

Claim Rejections - 35 USC § 103

9. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

10. Claims 11, 13-15, 21-26, 30, 48-49, 51, 57-58, 60, 62, 92-93, and 96-98 are rejected under 35 U.S.C. 103(a) as being unpatentable over Rosenthal et al. (U.S. 2002/0133502) in view of Williams et al. (U.S. 6,618,734).

As per claim 11 and 13-14, Rosenthal discloses that an answer is not entered or is invalid (See paragraphs 112, wherein an answer is not entered or is invalid). However, Rosenthal et al. does not expressly disclose teaches filtering said user profile, wherein said filtering comprises the application of a rules engine that compares said user profile to a set of predefined criteria (See column 2, lines 35-50, column 4, lines 10-19, column 5, lines 55-67, column 8, lines 25-45, wherein the user's profile is sorted by the system using predefined criteria stored in the system) wherein said filtering step further comprises the step of modifying an answer to said question based on at least consistency with answers of said particular affinity group or combination of said affinity groups (See column 7, lines 5-25, wherein the user modifies an answer). Further, Williams et al. teaches wherein said modification comprises at least one of omission of said

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answer, and tagging said user profile as inactive (See column 7, lines 5-25, wherein the user modifies an answer based on omission of said answer).

Both Williams et al. and Rosenthal et al. disclose systems where users are asked questions and the answers are collected via a computer. Rosenthal et al. discloses user profiles being associated with sets of questions that are like or are correlated with the questions and answers in the participant's profile. It would have been obvious to one of ordinary skill in the art at the time of the invention to modify the answer when it appears to be in error in order to more accurately create a profile of the user.

As per claim 15, Rosenthal et al. teaches a knowledge base that continues to update from answers received from users (See paragraphs 128 and 134-5). However, Rosenthal et al. does not expressly disclose periodically creating a new affinity group by associating at least one user profile to said new affinity group. Williams et al. teaches periodically creating a new affinity group by associating at least one user profile to said new affinity group (See figure 3, column 2, lines 50-65, column 3, lines 30-55, column 6, lines 30-35 and 50-60, column 7, lines 5-25, wherein the user is associated with at least one grouping of job positions based on his/her answers to questions. See column 8, lines 15-50, wherein a group of best matches is formed).

Both Williams et al. and Rosenthal et al. disclose systems where users are asked questions and the answers are collected via a computer. Rosenthal et al. discloses user profiles being associated with sets of questions that are like or are correlated with the questions and answers in the participant's profile, as well as matched population groups. It would have been obvious to one of ordinary skill in the art at the time of the invention to create new affinity

groups in the system of Rosenthal et al. in order to more efficiently question users of the system. See paragraphs 20 and 30 of Rosenthal et al.

As per claim 21, Rosenthal et al. discloses matched populations (paragraph 134), but does not expressly disclose and Williams et al. discloses weighting said constraints to provide a match score (See column 2, lines 20-40, column 6, lines 50-60, and column 8, lines 40-50).

Both Williams et al. and Rosenthal et al. disclose systems where users are asked questions and the answers are collected via a computer. Rosenthal et al. discloses generating reports and statistics, as well as analyzing matched populations. Williams et al. discloses weighting said constraints to provide a match score. It would have been obvious to one of ordinary skill in the art at the time of the invention to include providing a match score in the matched populations Rosenthal et al. in order to more efficiently generate statistics for reporting purposes.

As per claim 22, Rosenthal et al. teaches wherein providing said report comprising the steps of matching between at least a matchfield of said goal and a corresponding matchfield of at least one of an affinity group and a user profile (See paragraphs 29-30, 134-5). However, Rosenthal et al. does not expressly disclose generating a match score.

Williams et al. discloses generating a match score (See column 2, lines 20-40, column 6, lines 50-60, and column 8, lines 40-50).

Both Williams et al. and Rosenthal et al. disclose systems where users are asked questions and the answers are collected via a computer. Rosenthal et al. discloses generating reports and statistics, as well as analyzing matched populations. Williams et al. discloses weighting said constraints to provide a match score. It would have been obvious to one of

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ordinary skill in the art at the time of the invention to include providing a match score in the matched populations Rosenthal et al. in order to more efficiently generate statistics for reporting purposes.

As per claims 23-26, Rosenthal et al. does not expressly disclose and Williams et al. discloses determining at least one best match from a plurality of possible matches and arranging matches by order of match score, said order being grouped to at least two levels of matches, based on said score (See column 2, line 60-column 3, line 10, column 5, line 65-column 6, line 5, column 8, lines 28-45, wherein best matches are determined. See also column 4, lines 10-19, column 9, lines 35-45, wherein the user is scored and is either considered a best match or is considered not suited for the position). Williams et al. further teaches providing an aggregated score for said matching step and weighting the importance of including said match in said report (See column 2, lines 20-40, column 6, lines 50-60, column 8, lines 40-50) and classifying each match score as one of deterministic to meeting said goal; and non-deterministic to meeting said goal (See column 4, lines 10-19, column 8, lines 20-45, and column 9, lines 35-45, wherein the score reflects that the user satisfies the criteria).

Both Williams et al. and Rosenthal et al. disclose systems where users are asked questions and the answers are collected via a computer. Rosenthal et al. discloses generating reports and statistics, as well as analyzing matched populations. Williams et al. discloses weighting said constraints to provide a match score. It would have been obvious to one of ordinary skill in the art at the time of the invention to include providing a match score in the matched populations Rosenthal et al. in order to more efficiently generate statistics for reporting purposes.

Claim 30 recites substantially similar limitations as claim 1. Therefore, claim 30 is rejected using the same art and rationale set forth above with respect to claim 1. However, while Rosenthal et al. teaches application of his questioning scheme to a variety of fields such as medicine and health care, advertisements, self improvement, and inventory control (See pages 11-12), Rosenthal et al. does not expressly disclose that said affinity group comprises compensation.

Williams et al. discloses compensation (See column 4, lines 60-65, and column 10, lines 10-20, wherein the survey has to do with compensation).

Rosenthal et al. discloses that the questioning scheme can be applied to a variety of fields such as medicine and health care, advertisements, self improvement, and inventory control. Williams et al. teaches questioning users about compensation. It would have been obvious to one of ordinary skill in the art at the time of the invention to apply the questioning scheme of Rosenthal et al. to compensation in order to more efficiently and dynamically capture information in this field.

As per claims 48-51, while Rosenthal et al. teaches application of his questioning scheme to a variety of fields such as medicine and health care, advertisements, self improvement, and inventory control (See pages 11-12), Rosenthal et al. does not expressly disclose that said affinity group comprises compensation.

Williams et al. discloses compensation (See column 4, lines 60-65, and column 10, lines 10-20, wherein the survey has to do with compensation) and further discloses providing a compensation report, wherein said compensation report is constrained by a reporting goal and said goal comprises a desired compensation (See column 4, lines 60-65, column 10, lines 10-40,

wherein a compensation report is provided reflecting costs and benefits and constrained by factors set forth by the employer/client).

Rosenthal et al. discloses that the questioning scheme can be applied to a variety of fields such as medicine and health care, advertisements, self improvement, and inventory control. Williams et al. teaches questioning users about compensation. It would have been obvious to one of ordinary skill in the art at the time of the invention to apply the questioning scheme of Rosenthal et al. to compensation in order to more efficiently and dynamically capture information in this field.

Claims 57 and 58 are substantially similar to claims 27 and 30, respectively, and are therefore rejected using the same art and rationale set forth above.

As per claim 60, Rosenthal et al. teaches statistical information (See paragraphs 134-5). However Rosenthal et al. does not expressly disclose average compensation.

Williams et al. discloses compensation (See column 4, lines 60-65, and column 10, lines 10-20, wherein the survey has to do with compensation) and further discloses average compensation (See column 10, lines 5-35, wherein average salary is discussed).

Rosenthal et al. discloses that the questioning scheme can be applied to a variety of fields such as medicine and health care, advertisements, self improvement, and inventory control. Williams et al. teaches questioning users about compensation. It would have been obvious to one of ordinary skill in the art at the time of the invention to apply the questioning scheme of Rosenthal et al. to compensation in order to more efficiently and dynamically capture information in this field.

As per claim 62, Rosenthal et al. does not expressly disclose and Williams et al. discloses Williams et al. discloses compensation (See column 4, lines 60-65, and column 10, lines 10-20, wherein the survey has to do with compensation). However, Williams et al. does not expressly disclose annual salary.

Rosenthal et al. discloses that the questioning scheme can be applied to a variety of fields such as medicine and health care, advertisements, self improvement, and inventory control. Williams et al. teaches questioning users about compensation. Examiner takes Official Notice that annual salary is a well known employment statistic. It would have been obvious to one of ordinary skill in the art at the time of the invention to apply the questioning scheme of Rosenthal et al. to compensation in order to more efficiently and dynamically capture information in this field.

As per claim 92, Rosenthal et al. and Williams et al. teach claim 92 for the same reasons set for above with respect to claims 30, 11, 13, and 48. Rosenthal et al. further discloses:

presenting each user a sequence of questions that is independently, asynchronous, and dynamically tailored for each and every user of the plurality of users on an individual basis from a source containing a plurality of different questions, each user's answers to each of said sequence of questions determining, an affinity of said user, wherein each affinity group comprises a plurality of user profiles (See paragraphs 22-3, 26-7, 33, 75, 95-102, 110, 114, wherein a user profile is created using reply data to a set of tailored and dynamically built questions, such as a set of initial questions. See paragraphs 23-29, 33, 72, 75-6, 84, 113-5, 134-5, wherein sets of questions are fed to the user dynamically);

receiving answers from each said user (See paragraphs 22-3, 26-7, 33, 75, 95-102, 110, 114, wherein a user profile is created from received answers);

storing said sequence of questions and corresponding answers in a unique user profile for each user (See paragraphs 22-3, 26-7, 33, 75, 95-102, 110, 114, wherein a user profile is created. See figure 4, paragraphs 75, 65-102);

determining if a corresponding affinity group exists for said user profile and, if so, associating said user profile with at least one or more affinity groups (See paragraphs 23-29, 33, 72, 75-6, 84, 113-5, 134-5, wherein the user profile is associated with sets of questions that are like or are correlated with the questions and answers in the participant's profile. The user's profile is associated with the subsequent question sets based on like profile parameters.

Rosenthal et al. discloses matched population groups in paragraphs 128 and 134-5);

wherein determining an appropriate next question for said sequence of questions to be presented to said user on an individual basis, said appropriate next question, and a specific order in which said sequence of said questions are presented to each said user, being determined on an individual, user-by-user basis based on at least a particular affinity group or combination of affinity groups to which said user profile is associated and an answer to a previously presented question (See paragraphs 23-29, 33, 72, 75-6, 84, 113-5, 134-5, wherein sets of questions are fed to the user based on the user's profile parameters, but the questions within that set are branched and orders dynamically based on the user's answers to the set of questions).

Further, as for the limitation "otherwise creating at least one new affinity group and associating said user profile with said new affinity group", Rosenthal et al. teaches the situation where the affinity group does exist. As currently recited, this limitation is recited in the

alternative and thus does not occur in cases where the methodology does have appropriate existing affinity groups.

Claim 93 teaches substantially similar limitations to claim 15 and is therefore rejected using the same art and rationale set forth above.

Claim 96 is substantially similar to claim 10 and is therefore rejected using the same art and rationale set forth above.

As per claim 97, Rosenthal et al. discloses querying any of a database of a plurality of user profiles and a database of a plurality of affinity groups for a statistical report (See paragraphs 134-5).

Claim 98 is substantially similar to claim 62 and is therefore rejected using the same art and rationale set forth above.

Conclusion

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event,

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however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Bensemana (U.S. 2001/0044739) teaches a system that creates a user profile by asking questions tailored to the industry in which the user is associated. A base profile is established through a questionnaire and then updated using tailored questions.

Green (U.S. 6,701,322) teaches a computer based questioning system that includes branching questions, where a question and answer database is established.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to BETH VAN DOREN whose telephone number is (571)272-6737. The examiner can normally be reached on M-F, 8:00-5:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Tariq Hafiz can be reached on 571-272-6729. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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/B. V. D./
April 28, 2008

/Beth Van Doren/
Primary Examiner, Art Unit 3623